IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1013 of 2007
In
Criminal Appeal No.829 of 2007

Munna Kishori Sahani — Applicant
Vs.
The State of Maharashtra — Respondent

Mr.Daulat Khamkar for applicant.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

September 5, 2007.

P.C.

. Heard Mr.Khamkar, the learned counsel for the applicant. Mr.Adsule, the learned APP appears for the State. This is an application for condonation of delay caused in filing Criminal Appeal No.829 of 2007 and as per the office note the appeal is beyond time by five years and 254 days.

. The applicant has been convicted for the offence punishable under Section 20(b)(ii) of the NDPS Act in Special Sessions Case No.966 of 1998 by the learned Special Judge under the NDPS Act, Thane by his judgment and order dated 11/10/2001. He is presently undergoing sentence for the last about nine years because the impugned order of conviction and

sentence itself states that accused is in jail from 16/6/1998. The applicant states that while in jail he had no resources to take steps to challenge the impugned order of conviction and sentence and finally after about five years he learnt through a friend about an Advocate who would help in filing an appeal.

. I am satisfied that the delay deserved to be condoned and hence the application is allowed in terms of prayer clause (a).

(B.H.MARL